

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Lynn Dickey <i>et al.</i>	Confirmation No.: 5538
Appl No.:	10/675,011	Group Art Unit: 1638
Filed:	September 30, 2008	Examiner: Li Zheng
For:	EXPRESSION OF BIOLOGICALLY ACTIVE POLYPEPTIDES IN DUCKWEED	

September 22, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTIFICATION OF CHANGE OF SMALL ENTITY STATUS
ESTABLISHED IN ERROR 37 C.F.R. §1.28(c)(2)**

Applicants hereby submit that the small entity status, asserted in good faith on September 9, 2011, in connection with the above-identified application, is hereby **withdrawn**, and that the Request for a Refund under 37 C.F.R. §1.28(a) in the amount of \$755, to be credited to the Alston & Bird LLP Deposit Account 16-0605, also made in good faith on September 9, 2011, is hereby **withdrawn**. In accordance with 37 C.F.R. §1.28(c)(2)(ii), the circumstances leading to Applicants' withdrawal of the assertion of small entity status and withdrawal of this refund request, as well as the itemization of the deficient fee, are as follows.

The **Issue Fee** in the amount of **\$1,510** was timely paid in the above-identified application on August 12, 2011, via a charge against Alston & Bird LLP Deposit Account No. 16-0605 for Fee Code 1501, as shown on the enclosed statement for this account, dated August 2011, at page 7, line 32. The Issue Fee was paid based on **large entity status** as previously asserted for the above-identified application on June 22, 2007.

On September 9, 2011, Applicants in good faith claimed small entity status and electronically filed a Request for a Refund under 37 C.F.R. §1.28(a) in the above-identified application via the EFS-Web electronic filing system of the U.S. Patent and Trademark Office. The refund request was in the amount of \$755, which is the difference between the Issue Fee paid in the above-identified application based on large entity status and the Issue Fee owed based on the claim for small entity status (i.e., \$1510 paid - \$755 owed = **\$755 refund**). Applicants requested that this refund in the amount of \$755 be credited to Deposit Account No. 16-0605.

The request for this refund and the claim for small entity status were made in good faith, as it was believed that small entity status was entitled to be asserted for the above-referenced application. It has now been discovered that such status as a small entity that was asserted on September 9, 2011, was established in error. Although the above-referenced application qualified for small entity status as of February 18, 2010, it has now been discovered that this small entity status changed as of May 12, 2010.

Accordingly, such small entity status, claimed in good faith on September 9, 2011, is hereby **withdrawn**. Applicants' Request for a Refund under 37 C.F.R. §1.28(a) in the amount of \$755, to be credited to Deposit Account 16-0605, which was also made in good faith on September 9, 2011, is hereby **withdrawn**.

Applicants note that on September 19, 2011, Deposit Account 16-0605 was credited the **\$755 refund** in connection with the Request for a Refund under 37 C.F.R. §1.28(a) that was filed on September 9, 2011, in the above-identified application, as shown on the enclosed statement for this account, dated September 2011, at page 11, lines 30-31. Accordingly, it is believed that the **fee deficiency now due for the Issue Fee** paid in the above-identified application is **\$755**.

The **\$755** fee deficiency is paid electronically herewith via authorization to charge Deposit Account 16-0605 in the amount of **\$755** in order to rectify this fee deficiency for the Issue Fee paid in the above-identified application. It is not believed that any further payment is due in connection with this communication; however, the Commissioner is hereby authorized to charge any such additional payment to Deposit Account No. 16-0605.

Respectfully submitted,

/leslie t. henry/

Leslie T. Henry
Registration No. 45,714

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON SEPTEMBER 22, 2011.
LEGAL02/32876380v1



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Deposit Account Statement

Requested Statement Month: August 2011
 Deposit Account Number: 160605
 Name: ALSTON & BIRD LLP
 Attention: BANK OF AMERICA
 Street Address 1: 101 SOUTH TRYON STREET
 Street Address 2: SUITE 4000
 City: CHARLOTTE
 State: NC
 Zip: 28280-4000
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01	892	12171336	941-012580-US (D01)	1801	\$810.00	\$95,044.49
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08/12 7772	PCT/US11/47453	045011/409035	1701	\$1,264.00	\$75,011.49
08/12 7774	PCT/US11/47453	045011/409035	1704	\$2,443.00	\$72,568.49
08/12 7773	PCT/US11/47453	045011/409035	1703	\$855.00	\$71,713.49
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08/15 686	11887784	H0009321-2930	1504	\$300.00	\$64,293.49
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08/15 2703	12235167	050704/337436	1251	\$130.00	\$53,696.49
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08/15 2747	PCT/US11/47567	35718/408356	1703	\$1,095.00	\$50,158.49
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08/15 2899	13208855	050704/409167	1111	\$540.00	\$47,894.49



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Deposit Account Statement

Requested Statement Month: September 2011
 Deposit Account Number: 160605
 Name: ALSTON & BIRD LLP
 Attention: BANK OF AMERICA
 Street Address 1: 101 SOUTH TRYON STREET
 Street Address 2: SUITE 4000
 City: CHARLOTTE
 State: NC
 Zip: 28280-4000
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
09/01	17641	77943700	06568/385934	7003	\$200.00	\$123,691.49
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09/01	18129	13254035	058190-409739	2615	\$52.00	\$122,134.49
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09/01	18459	11037574	048765/287266	1501	\$1,510.00	\$120,324.49
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09/01	22975	13222649	042933/NC75953US	1111	\$540.00	\$115,947.49
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09/16 9872	PCT/US11/51824	049663/410185	1601	\$240.00	\$124,372.49
09/16 9875	PCT/US11/51824	049663/410185	1709	\$1,157.00	\$123,215.49
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09/16 3	13056209	046190/400459	1504	-\$300.00	\$116,300.49
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09/19 10017	13131835	034691/405310	8021	\$40.00	\$101,175.49